

MANUFACTURED HOUSING RETAILER RESPONSIBILITIES

A Guide for Retailers of New Manufactured Homes from the Manufactured Home Procedural and Enforcement Regulations



GUIDE FOR RETAILERS OF NEW MANUFACTURED HOMES

Retailers of NEW manufactured home sales have several responsibilities under the federal regulations at 24 CFR Part 3282, Subpart F.

It prohibits the sale, lease, or offer for sale or lease of manufactured homes known by the distributor or retailer not to be in conformance with the standards, and it includes responsibilities for maintaining certain records and assisting in the gathering of certain information.

PROHIBITION OF SALE

24 CFR Part 3282.252

No distributor or retailer shall make use of any means of transportation affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease in the United States any manufactured home manufactured on or after the effective date of an applicable standard.

DISTRIBUTOR AND RETAILER ALTERATIONS

24 CFR Part 3282,254

If a distributor or retailer alters a manufactured home in such a way as to create an imminent safety hazard or to create a condition which causes a failure to conform with applicable Federal standards, the manufactured home affected may not be sold, leased, or offered for sale or lease.

DISTRIBUTOR OR RETAILER COMPLAINT HANDLING

24 CFR Part 3282.256

When a distributor or retailer believes that a manufactured home in its possession which it has not yet sold to a purchaser contains an imminent safety hazard, serious defect, defect, or noncompliance, the distributor or retailer shall refer the matter to the manufacturer. If the distributor or retailer is not satisfied with the action taken by the manufacturer, it may refer the matter to the SAA. Warranties do not replace this responsibility.

MANUFACTURED HOME CONSUMER MANUAL REQUIREMENTS

24 CFR Part 3282.207(b) and .207(d)

The manufacturer shall provide the consumer manual by placing a manual in each such manufactured home before the manufactured home leaves the manufacturing plant. The manual shall be placed in a conspicuous location in a manner likely to assure that it is not removed until the purchaser removes it. No retailer or distributor may interfere with the distribution of the consumer manual. When necessary, the retailer or distributor shall take any appropriate steps to assure that the purchaser receives a consumer manual from the manufacturer.

CONSUMER COMPLAINT AND INFORMATION REFERRAL

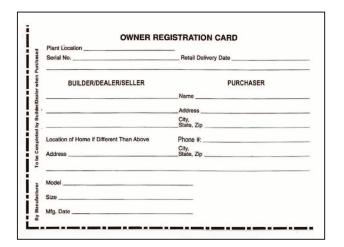
24 CFR Part 3282.403

Retailer responsibilities. When a retailer receives a consumer complaint or other information about a home in its possession, or that it has sold or leased, that likely indicates a noncompliance, defect, serious defect, or imminent safety hazard, the retailer must forward the complaint or information to the manufacturer of the manufactured home in question as early as possible. Warranties do not replace this responsibility.

COMPLETION OF INFORMATION CARD

24 CFR Part 3282.255

Whenever a distributor or retailer sells a manufactured home subject to the standards to a purchaser, the distributor or retailer shall fill out the card with information provided by the purchaser and shall send the card to the manufacturer.

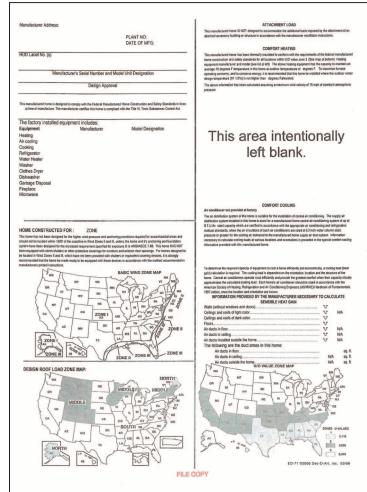


DATA PLATE

24 CFR Part 3280.5

The Data Plate is required to be affixed in a permanent manner. Manufacturers typically locate the data plate on an inside wall in a bedroom closet or underneath the kitchen sink on the side panel within the cabinet. This contains important information and should be shown to the homeowner after purchase.





CONSUMER INFORMATION DISCLOSURE

24 CFR 3286.7

Retailer disclosures before sale or lease. Prior to execution of the sales contract to purchase or agreement to lease a manufactured home, the retailer must provide the purchaser or lessee with a consumer disclosure.

DISPUTE RESOLUTION DISCLOSURE / RETAILER NOTIFICATION AT SALE

24 CFR 3288.5

Retailer notice at the time of signing. At the time of signing a contract for sale or lease for a manufactured home, the retailer must provide the purchaser with a retailer notice.

DISCLOSURES ARE REQUIRED TO BE PROVIDED BY THE RETAILER TO THE PURCHASER





FAQS AND ADDITIONAL RESOURCES



RETAILER FAQ'S

What information am I required to forward to the manufacturer of the home?

Regardless of the home's age, you must refer every matter to the manufacturer where the retailer believes or knows that the complaint or other information that indicates the possible existence of a failure.

May I make corrections or alterations to a new manufactured home prior to the sale of the home?

Yes, as long as the home is not altered in such a way as to create an imminent safety hazard or take it out of conformance. To avoid taking the home out of conformance, you must receive manufacturer authorization, obtain applicable instructions, and maintain records of the work. The manufacturer is responsible for correcting all nonconformances and imminent safety hazards on homes not yet sold.

What is my responsibility as a retailer if I know a new home on the lot does not conform to the HUD Standards?

You must contact the manufacturer, provide full information concerning the problem, and request appropriate action. This action may include manufacturer repair or authorization for you to repair on a reimbursable basis. You may not offer to either sell or lease the home until it meets the Standards.

Whom do I contact when I forward a complaint or a request for service to the manufacturer, but the manufacturer does not adequately respond?

You may contact the Pennsylvania State Administrative Agency (PA SAA) which is the Housing & Buildings Standards Division at PA DCED: Michael Moglia, 717-720-7416 or email at mmoglia@pa.gov.

MAINTAIN RECORDS OF ALL INFORMATION FORWARDED TO THE MANUFACTURER INCLUDING AUTHORIZED REPAIRS
MADE BY THE RETAILER. FAILURE TO DO SO PLACES LIABILITY ON THE RETAILER.

ADDITIONAL MANUFACTURED HOUSING INFORMATION

HUD Manufactured Housing Installation Program:

www.manufacturedhousinginstallation.com

For regulations, construction standards and other HUD related information, HUD Office of Manufactured Housing Programs: www.hud.gov/program_offices/housing/rmra/mhs/mhshome

For further information regarding the Pennsylvania Manufactured Housing Program:

www.dced.pa.gov/mh
Email: housingstandards@pa.gov

